

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

v.

PLATFORM SOLUTIONS, INC. and T3
TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 06-cv-13565-LAK (THK)

JURY TRIAL DEMANDED

[PUBLIC VERSION - REDACTED]

**PLATFORM SOLUTION INC.'S SUPPLEMENTAL RULE 56.1 STATEMENT IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT ON COUNTS ELEVEN
AND TWELVE OF INTERNATIONAL BUSINESS MACHINE CORPORATION'S
SECOND AMENDED COMPLAINT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, defendant and counterclaimant Platform Solutions, Inc. ("PSI") respectfully submits the following supplemental statement of materials facts that PSI contends are not in dispute:

1. Attached as Exs. 11 to 81 to the Declaration of Ryan C. Kirkpatrick in Support of PSI's Motion for Leave to File a Supplementary Memorandum of Law and Supplementary Memorandum of Law ("Kirkpatrick Decl.") are true and correct copies of correspondence between Fundamental Software, Inc. ("FSI") and International Business Machines Corporation ("IBM"). [Kirkpatrick Decl. at ¶ 2, 3 & 12, Exs. 1, 2 & 11-81.]
2. These documents were produced to PSI on May 22, 2008 in response to a third party subpoena issued to FSI on February 20, 2008. [Kirkpatrick Decl. at ¶ 3, Ex. 2.]

This image shows a document page where all the content has been obscured by thick black horizontal bars. There are approximately 20 such bars, each covering several lines of text. The bars are irregular in length, with some being full-line and others shorter, creating a pattern of black and white horizontal stripes across the page.

This image shows a document page that has been heavily redacted. There are approximately 20 horizontal black bars of varying lengths scattered across the page, obscuring most of the original text. The bars are irregular in length and position, suggesting a manual or automated redaction process. The background is white, and the redacted areas are solid black.

The image consists of a vertical column of approximately 15 horizontal black bars of varying widths. These bars are evenly spaced and extend across the width of the page. The lengths of the bars vary, with some being relatively short and others being very long, suggesting they represent redacted text or sensitive information.

Dated: June 10, 2008

SUSMAN GODFREY L.L.P.

By: /s/ Jacob W. Buchdahl

Stephen D. Susman
Jacob W. Buchdahl
Tibor L. Nagy
SUSMAN GODFREY L.L.P.
654 Madison Ave., 5th Floor
New York, NY 10022
(212) 336-8330

Stephen Morrissey (Pro Hac Vice)
Ryan Kirkpatrick (Pro Hac Vice)
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90069
(310) 789-3100
Attorneys for Platform Solutions Inc.